

The entire transcript of this virtual meeting can be viewed at www.regulations.gov at Docket Number [OSHA-2022-0002-0073](#)

MEETING SUMMARY
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH
(NACOSH)
September 13, 2022

U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

The meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH) was called to order by Chair Cynthia Lewis at 10:09 a.m. ET, on Tuesday, September 13, 2022. This meeting was held via WebEx and teleconference. The following committee members and OSHA staff were present:

NACOSH Members

Cynthia Lewis, Fay Boozman College of Public Health, University of Arkansas for Medical Sciences

Michael Belcher, Boys and Girls Club of America

Leanne Cobb, Palm Beach State College

Kathleen Dobson, Alberici Constructors, Inc.

Tonya Ford, United Support & Memorial for Workplace Fatalities

Jessica Garcia, Retail, Wholesale & Department Store Union

David Heller, AcuTech Consulting Group

Bobbi Jo Hurst, Orthopedic Associates of Lancaster

Andrew Perkins, Alabama Power Company

Rebecca Reindel, AFL-CIO

J.A. Rodriguez, Board of Certified Safety Professionals

John Dony, National Safety Council

OSHA Staff

Andrew Levinson, Designated Federal Official, Acting Director, OSHA, Directorate of Standards and Guidance

Lisa Long, Acting Deputy Director, OSHA, Directorate of Standards and Guidance

Douglas Parker, Assistant Secretary for Occupational Safety and Health

Jennifer Levin, Committee Counsel, Office of the Solicitor

HHS Staff

John Piacentino, NIOSH Associate Director for Science CDC/NIOSH

Opening Remarks, Roll-Call, Introductions and Agenda

Cynthia Lewis, NACOSH Chair

Ms. Lewis started the meeting by thanking the members and public for their participation in the meeting. Ms. Lewis called the meeting to order and asked all the members to introduce themselves which served as the roll call. All members were present. OSHA staff introduced themselves, and Ms. Lewis briefly went over the agenda and the June 30, 2022, meeting minutes. Ms. Lewis acknowledged three public comments were submitted and that they would be addressed at the end of the day and that if others would like to comment, that would be allowed time permitting.

The following items were entered into the record:

NACOSH Agenda [OSHA-2022-0002-0066](#)

June 30, 2022, Meeting Minutes [OSHA-2022-0002-0067](#)

OSHA Update

Jim Frederick, Deputy Assistant Secretary for Occupational Safety and Health

Mr. Frederick's presentation was inaudible by the Court Reporter. In the question and answer period with Mr. Frederick, Michael Belcher stated that he had been involved in a partnership to train safety professionals to extend the reach of OSHA as they are out in the field, and offered to discuss this further. Mr. Frederick thanked Mr. Belcher for the information and offered to talk with him further to get more information on the program. Ms. Lewis opened the floor for additional questions for Mr. Frederick but there were none. (pages 7-10)

NIOSH Update

John Piacentino, Associate Director for Science, NIOSH

Mr. Piacentino, provided an update on four topics on behalf of NIOSH. He announced the retirement on October 1, 2022, of Dr. Margaret Kipp, Deputy Director for Programs. Mr. Piacentino then proceeded with a discussion on NIOSH's initiatives to make scientific information and data more accessible. The first is a health-related workplace absenteeism dashboard, that NIOSH recently updated to account for more race and ethnicity-type data. NIOSH is also working to make data more accessible on workplace violence, in collaboration with the Bureau of Labor Statistics and the US Department of Justice. The collaboration's purpose was to bring together different data sets and make them more usable. And lastly, NIOSH researchers published a paper on workplace violence during the COVID-19 pandemic based on data from online media and publications.

Mr. Piacentino acknowledged that it had been difficult to do field investigations during the pandemic and that more recently NIOSH had been able to restart certain types of field investigations. Another area of interest was NIOSH's social determinants of health effort. The NIOSH Community Preventive Services Task Force has added employment and job characteristics as a domain within the social determinants of health. The HHS Office of the

National Coordinator for Health Information Technology has included data elements on occupation and occupation industry.

Noteworthy recent or upcoming publications include “Protecting Temporary Workers, Best Practices for Host Employers” and an IARC Monograph that addresses occupational exposures of fire fighters that are classified as carcinogenic to humans. (pages 15-27)

Heat Injury and Illness Prevention Work Group Update and Discussion

Kathleen Dobson, Alberici Constructors, Inc.

Rebecca Reindel, AFL-CIO

Ms. Dobson and Ms. Reindel provided updates on the Heat Work Group’s activities. The work group has been charged with two main tasks. One is looking at and providing recommendations around OSHA’s current guidance materials and the Heat campaign. The other is identifying elements of a potential heat standard that OSHA could issue in the future.

Ms. Reindel’s work group focused on rulemaking. In the work group meeting, OSHA gave an update on the implementation from the summer’s National Emphasis Program (NEP). OSHA will be providing the work group a summary document of all comments received during the comment period of the ANPRM. The work group has been looking at existing standards and other existing comprehensive Heat programs by employers, military, and state OSHA programs, looking for common elements to mitigate occupational heat exposure. The group will continue to work forward and apply all the information to identify and recommend what OSHA should consider during the rulemaking.

Ms. Reindel discussed OSHA’s enforcement work under the NEP. She discussed some of the most common citations issued and industries covered and the overall findings from the presentation OSHA had given at the workgroup session. (pages 23-26, 29-36)

Ms. Dobson started out by indicating she was having technical issues and that her full presentation was on her computer and she was unable to access it. Ms. Dobson’s work group evaluated all the program information that is available from OSHA, while meeting five times between March and June. The work group put together some recommendations and they will be finalizing the four or five charges that focus on the specific programs, and will spell those out, prioritize for the organization, and hopefully be able to present a final report in December of 2022. (pages 26-28)

The presentations were entered into the record:

Workgroup 1 [OSHA-2022-0002-0068](#)

Safety and Health Management Systems and Safety as a Core Value

Lee Anne Jillings, Director, Directorate of Technical Support and Emergency Management

Ms. Jillings presented on OSHA’s Safety and Health Management Systems (SHMS) and how OSHA is implementing the program, to meet the Secretary’s “model workplace” and to protect OSHA’s staff. Ms. Jillings explained how the SHMS Program effort is used by a joint labor

management committee for updates to OSHA's Field SHMS Manual. The manual, available to the public on OSHA's website, includes rules and responsibilities and specific safety and health programs outlining expectations. The SHMS committee has been able to raise issues in the manual for updates, and will be adding a new chapter on infectious disease, building on the knowledge and experiences learned following the COVID-19 pandemic, and then will begin the initial development of a mental health chapter. (pages 37-69)

The presentation was entered into the record:

DTSEM: OSHA's Safety and Health Management System (SHMS) – [OSHA-2022-0002-0071](#)

Whistleblower Protection Programs

Phillippe Blancato, Investigative Specialist, Directorate of Whistleblower Protection Programs (DWPP)

Mr. Blancato presented on the Whistleblower Protection Programs and explained that OSHA's DWPP enforces 25 whistleblower statutes covering a wide range of subject areas. One of the whistleblower statutes enforced is the OSH Act of 1970, Section 11(c), that covers all private-sector and Postal Service workers and is a general safety and health statute. In the last year, DWPP had been very busy with updates to the Whistleblower Investigations Manual, incorporating suggested changes from advisory committees and stakeholders. DWPP recently transitioned their database from OITSS to OIS. Mr. Blancato went over a few of the details of 11(c), along with additional updates in the directorate including updates to the whistleblower complaint form and upcoming regulatory actions. At the end of the presentation, Mr. Blancato introduced Lee Martin, who recently joined the agency as the Director of the Directorate of Whistleblower Protection Programs. (pages 70-109)

The presentation was entered into the record:

DWPP: Whistleblower Protection Programs – [OSHA-2022-0002-0069](#)

OSHA Young Worker Activities and Small Business Resources

Tina Jones, Director, Office of Outreach Services and Alliances, Directorate of Cooperative and State Programs (DCSP)

Ms. Jones presented to the committee on OSHA's outreach programs work to young workers. The program is trying new ways to raise awareness among young workers through coordinated social media campaigns, online dialogue, and through other DOL agencies and NIOSH. The campaign is built around NIOSH's "core competencies," reaching teens where they are, with messages focused on them. A website, www.keepteenworkerssafe.org was developed when the program began in 2019. Through various "campaigns" over the last few years, OSHA has learned a lot about what is needed and how to reach teens and has adjusted the program accordingly. In the spring of 2022 DCSP conducted a 3-week Teen Tuesday campaign, including some images developed by teens. Last year, OSHA posted a webpage that had multiple portals, one for parents and educators, one for employers, and one for teens where various ideas can be posted and then they can be voted on to give some additional information. Based on the information from the online dialogue, it was suggested that a checklist be created for employers. OSHA has developed an employer checklist that is currently in clearance.

Ms. Jones also discussed on-site consultations that are available for small and medium-sized businesses. This is a no-cost service that is run through either a state university or a state labor department that employers can request consultation from to look at a specific operation or the entire workplace and help build a safety and health program. It is separate from OSHA's enforcement program. Ms. Jones reminded the committee that along with the consultation program, the agency offers several outreach resources to improve workplace safety and health. (pages 109-143)

The presentation was entered into the record:

DCSP: OSHA Young Worker Activities and Small Business Resources – [OSHA-2022-0002-0070](#)

Open Discussion, Closing Remarks, Adjournment

The members discussed dates for the next NACOSH meeting and potential topics for the committee to consider, including safety culture, safety climate, and safety as a core value. There was an extensive discussion on safety as a core value between committee members and OSHA, the need for NACOSH input on how to change the national dialogue and expectations around workplace safety. It was suggested that at the next meeting, the agenda should have time for discussion of the Heat Workgroup's proposed recommendations to the committee.

Ms. Lewis opened the meeting for comments from the members and the public. Ms. Julie Fulcher, of Public Citizen, strongly encouraged NACOSH to approach the Heat Industry and Illness Prevention rulemaking with urgency and to advance the committee's timeline for making recommendations to OSHA. Ms. Fulcher noted that Public Citizen had submitted to the committee a report entitled "Boiling Point," which is a study of recent research and information on the impact of heat stress in workers. The report assesses recent research that attempts to produce more accurate measures of heat-related fatalities. Ms. Fulcher urged NACOSH to encourage OSHA to issue an emergency temporary standard or an interim final rule that would protect workers from heat stress while a final rule is being completed.

One additional individual, Juanita Constable, had submitted a request to speak, but Ms. Constable was not available during open discussion session.

Mr. Levinson said that OSHA hoped to hold the next NACOSH meeting before the term limits ended for some members in mid-January and would work to find a date prior to that for the next meeting. He also addressed various potential agenda topics, including the heat workgroup report out and proposed recommendations, safety culture, and whistleblower topics. Mr. Levinson thanked all the members and the public for their participation. (pages 144-162)

The meeting was adjourned at 3:58 p.m. ET.

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting.

Submitted by:

Cynthia Lewis

January 10, 2023

Cynthia Lewis
NACOSH Chair

Date